

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RETAIL BENEFITS INC.,

Plaintiff,

v.

BRIAN GRAYLESS,

Defendant.

ECF CASE

Case No. 14-CV-7232

NOTICE OF REMOVAL
PURSUANT TO
28 U.S.C. §§ 1441, 1446

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, defendant Brian Grayless hereby removes to this Court the state court action described below.

The Removed Case

1. The removed case is a civil action filed on or about November 7, 2014, in the Supreme Court of the State of New York, County of Suffolk, Index No. 14-21980, captioned *Retail Benefits Inc. v. Brian Grayless*.

Basis for Removal

2. The state court action is being removed on the basis of diversity jurisdiction, pursuant to 28 U.S.C. §§ 1332(a) and 1441(b).

3. As alleged in the complaint, the plaintiff, Retail Benefits Inc., is a foreign corporation with its principal place of business at 98 Monterey Pointe Drive, Palm Beach Gardens, Florida, 33418. Upon information and belief, Retail Benefits Inc. is a Florida corporation.

4. The defendant, Brian Grayless, is a resident of Colorado (formerly a resident of Kansas).

5. As alleged in the complaint, the amount in controversy exceeds the sum or value of \$75,000.

Papers from the Removed Case

6. Pursuant to 28 U.S.C. § 1446, copies of all process, pleadings, and orders served on the defendant are attached hereto. These include the Summons (attached hereto as Exhibit 1) and the Complaint with Exhibit A (attached hereto as Exhibit 2).

The Removal is Timely

7. The plaintiff served the Summons and Complaint on the defendant on or about November 20, 2014. Hence, in accordance with 28 U.S.C. § 1446(b), this Notice of Removal is timely filed within 30 days of the defendant's receipt of a copy of the initial pleading.

Service of Notice of Removal

8. Pursuant to 28 U.S.C. § 1446(d), promptly after the filing of this Notice of Removal, the defendant will give written notice thereof to the plaintiff, Retail Benefits Inc., by first-class mail addressed to the company's attorney of record in the state court action – Anthony Ward, Esq., 1800 Walt Whitman Road, Suite 110, Melville, New York, 11747 – with a copy to the company at its principal place of business.

9. Pursuant to 28 U.S.C. § 1446(d), promptly after the filing of this Notice of Removal, the defendant will file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of Suffolk.

Effect of Notice of Removal

10. Pursuant to 28 U.S.C. 1446(d), the filing of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of Suffolk, automatically divests the state court of jurisdiction, and the state court "shall effect the removal and the State court shall proceed no further unless and until the case is remanded."

Dated: December 11, 2014
New York, New York

Respectfully submitted,

By:



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